UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,815	10/03/2000	Espen Skjaeran	28170-00023	5535

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EXAMINER
YUSSUF, SAJID

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	**Application No.** 09/677,815	**Applicant(s)** SKJAERAN ET AL.
	Examiner Sajid A Yussuf	**Art Unit** 2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _12/11/00 - 03/15/04_.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _2 and 3_ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☐ Claim(s) _2 and 3_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _03 October 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☒ All   b)☐ Some * c)☐ None of:
1.☐ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _5_.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Priority

1.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which

papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

3.   A patent may not be obtained though the invention is not identically disclosed or
described as set forth in section 102 of this title, if the differences between the subject
matter sought to be patented and the prior art are such that the subject matter as a whole
would have been obvious at the time the invention was made to a person having ordinary
skill in the art to which said subject matter pertains. Patentability shall not be negatived by
the manner in which the invention was made.

4.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

    Determining the scope and contents of the prior art.
    Ascertaining the differences between the prior art and the claims at issue.
    Resolving the level of ordinary skill in the pertinent art.
    Considering objective evidence present in the application indicating obviousness or
    nonobviousness.

5.   ***Claims 2-3 rejected under 35 U.S.C. 103(a) as being unpatentable over as***

being unpatentable over Mortsolf et al. (US Patent No. 6,229,804 and Mortsolf

hereinafter) in view of Gardell et al. (US Patent No. 6,128,304 and Gardell

hereinafter).

6.   As per claims 2 and 3, Mortsolf discloses method for establishing a connection

between a calling party and a called party in a H.323 Network, (See Column 3 Lines 15-50)

wherein the gatekeepers are arranged in a hierarchical manner, (See Abstract and Column 1

Lines 5-17).

    However, Mortsolf does not explicitly teach receiving by a first gatekeeper a setup

command issued from a connected calling user, performing a user location algorithm by said

first gatekeeper on its locally attached users, if this algorithm fails, sending a Location Request message to its lower level gatekeepers, wherein each lower level gatekeeper performs an user location algorithm on its attached users and lower level gatekeepers, if these user location algorithms fail, sending a Location Request message to its higher level gatekeeper, which performs an user location algorithm on its attached users and gatekeepers except the originating gatekeeper, if one of the user location algorithms succeeds, the gatekeeper concerned sending a Location Confirm message to the first gatekeeper, the first gatekeeper sending a Set-up message to the gatekeeper which has issued the Location Confirm message, which gatekeeper forwards said Set-up message to the called user, whereupon said connection is established.

Gardell teaches receiving by a first gatekeeper a setup command (i.e., Admissions Request (ARQ)) issued from a connected calling user, (See Gardell Column 8 Lines 46-67) performing a user location algorithm by said first gatekeeper on its locally attached users, (See Gardell Column 8 Lines 55-60) if this algorithm fails, sending a Location Request message to its lower level gatekeepers, wherein each lower level gatekeeper (i.e., second gatekeepers) performs an user location algorithm on its attached users and lower level gatekeepers, (See Gardell Column 9 Lines 17-64) if these user location algorithms fail, sending a Location Request message to its higher level gatekeeper, which performs an user location algorithm on its attached users and gatekeepers except the originating gatekeeper, , (See Gardell Column 9 Lines 17-65) if one of the user location algorithms succeeds, the gatekeeper concerned sending a Location Confirm message (i.e., LCF) to the first gatekeeper, (See Gardell Column 8 Lines 55-67) the first gatekeeper sending a Set-up message (i.e., ACF) to the gatekeeper which has issued the Location Confirm message, (See Gardell Column 8 Lines 55-67) which gatekeeper forwards said Set-up message to the called user, whereupon said connection is established (i.e., completing the call), (See Gardell Column 9 Lines 1-15).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify the teaching of Mortsolf with the teachings of Gardell to receiving by a first gatekeeper a setup command issued from a connected calling

user, performing a user location algorithm by said first gatekeeper on its locally attached users, if this algorithm fails, sending a Location Request message to its lower level gatekeepers, wherein each lower level gatekeeper performs an user location algorithm on its attached users and lower level gatekeepers, if these user location algorithms fail, sending a Location Request message to its higher level gatekeeper, which performs an user location algorithm on its attached users and gatekeepers except the originating gatekeeper, if one of the user location algorithms succeeds, the gatekeeper concerned sending a Location Confirm message to the first gatekeeper, the first gatekeeper sending a Set-up message to the gatekeeper which has issued the Location Confirm message, which gatekeeper forwards said Set-up message to the called user, whereupon said connection is established with the motivation to provide for a communications system that provides for a communication between a packet based network and a conventional circuit network... whether or not the party's terminal is on-line, (See Gardell Column 2 Lines 53-60).

Response to Arguments

7.   Applicant's arguments filed 03/19/04 have been fully considered but they are not persuasive.

8.   As per claim(s) 2 applicant states "Gardell reveals that even if Gardell has the same function as the claimed invention, Gardell contains significantly more signaling than the claim invention"; wherein the applicant points out the title of the application to be "A METHOD FOR REDUCING SIGNALING IN AN H.323 NETWORK...."

9.   Examiner respectfully disagrees as Examiner respectfully disagrees as in response to applicant's argument that "the title A METHOD FOR REDUCING SIGNALING IN AN H.323 NETWORK...", examiner submits that the features upon which applicant relies (i.e., reducing SIGNALING IN AN H.323 NETWORK) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). furthermore, examiner does not consider the title of the application sufficient in

distinguishing the invention over the prior art. Gardell's invention depicts connecting to an endpoint by utilizing many different routes and network forms of communications in order to establish a connection between a calling user to the called user. The latter reduces bandwidth because a connection is established through an assortment of other means whereas if a calling user tried to connect to a called user, any other system would have to make the necessary connections only to find out that the user was not available wherein causing an increase in signaling as the call made was a failure and would have to be tried again in order to reestablish communications at a later time.

10.   The applicant further states claim 2's step of "If this algorithm fails, said first gatekeeper send a Location Request message to its lower level (i.e., second gatekeeper) gatekeeper" is simply not found in Gardell. Applicant even further states: "The examiner jumped over Gardell's steps 5 through 21 to cite LRQ 22. However, LRQ 22 of Gardell is not generated in response to the failure of location algorithm (i.e., LRQ 4), but because the CCSE did not receive a connect signal from the terminal endpoint."

11.   Examiner respectfully disagrees as the applicant states that the algorithm is of locating a user wherein the CCSE receives a connect/no connect signal from the terminal endpoint signifying that the user was not located thus a failure occurred. Wherein after the CCSE determined that the user was not located (i.e., failure) then only is the LRQ (22) of Gardell is generated to find a Voice Mail (VM) Terminal, (See Column 9 Lines 32-60). Therefore with that said the step of "If this algorithm fails, said first gatekeeper send a Location Request message to its lower level (i.e., second gatekeeper) gatekeeper" does in fact exist wherein furthermore when the location algorithm fails (CCSE does not obtain a connect signal from the end point terminal) the second gatekeeper then transmits a LRQ signal which is responded by a third gatekeeper.

12.   Applicant further states that Gardell does not use higher level gatekeepers and location algorithms wherein no such evidence is found in the cited reference of Gardell.

13.   Examiner Respectfully disagrees as mentioned above, Gardell's location algorithm is defined as the CCSE receiving a connect signal. If no connect signal is received then a

"failure" occurs as the user was not located. Additionally, the concern about the use of higher level algorithms is existent in the cited reference of Gardell. Wherein a multicast gatekeeper (high level gatekeeper) produces location request to plural gatekeepers (i.e., second gatekeeper). Wherein the second gatekeeper is next gatekeeper in the hierarchy. If the user is not located (failure) through the "affirmatively responding gatekeeper" then another location request is established (i.e., third gate keeper) to locate a voice mail terminal of the user. Wherein the third gatekeeper is next gatekeeper in the hierarchy.

14.   As per claim 3 applicant states "Gardell simply does not disclose a situation where in response to another gatekeeper which performs another user location algorithm. In Gardell, the second algorithm (presumably LRQ 22) is generated as a result of the terminal endpoint not answering after a predetermined length of time."

15.   Examiner respectfully disagrees as Gardell does disclose a situation wherein response to another gatekeeper (i.e., second gatekeeper) performs another user location algorithm (i.e., LRQ 22). LRQ 22 is generated as a result of the terminal endpoint not answering after a predetermined length of time; wherein the user is not located thus causing a failure in locating algorithm. Whereby then causing a second LRQ 22 to execute in order to locate a voice mail terminal by finding a third gatekeeper.

Conclusion

16.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

a.   Patel et al. (US Patent No. 6,314,284) discloses system and method for providing service transparency for mobile terminating calls within an H.323 system;

b.   Galasso et al. (US Patent No. 6,374,302) discloses method and system to provide an action control post master gatekeeper;

c.   Li et al. (US Patent No. 6,591,301) discloses methods and systems for controlling network gatekeeper message processing; and

d.   Bennefeld et al. (US Patent No. 6,519,249) discloses scalable gatekeepers in

an Internet telephony system and a method of operation;

17.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sajid A Yussuf whose telephone number is (703) 305-8752.

The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM and Alternate

Fridays.

18.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the

organization where this application or proceeding is assigned is (703) 305-3718.

19.   Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

Sajid Yussuf
Patent Examiner
Technology center 2100
26 March 2004

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER